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Attorney File Ref: 102792-58 / 11135P3 WO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Delford Ian CHRISTMAS
Serial No.: 10/530926
Filed: 08.April.2005
Examiner: Shyam NATHAN
Art Group: 4161
Title: CLEANING AND DISINFECTING COMPOSITION

PER TELEFAX: (571) 273-8300

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 – 1450

27.Aug.2008

Dear Sir;

This paper is responsive to the *Restriction Requirement* dated 19.Aug.2008.

At the outset, the applicant TRAVERSES the Examiner's requirement as to the election between the following grouping of the claims:

Group I: claims 1 – 5, 10-21, 24-25
Group II: claim 30

It is the applicant's position that notwithstanding the Examiner's comments concerning "lack of unity", the subject matter of the claims are sufficiently proximate and

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overlapping in technical nature that a search on one group of claims would likely result in a sufficiently broad search ample to assess the patentability of *all* of the claims.

Nonetheless, if the Examiner does not withdraw the outstanding *Restriction Requirement*, the applicant provisionally elects the subject matter of the Group I claims, with TRAVERSE.

The applicant also TRAVERSES the Examiner's election of species requirement, concerning elections of (i) a non-cationic antimicrobial agent from claim 2 and 3, and (ii) a solvent from claim 4. It is the applicant's position that the nature of the claimed compounds are sufficiently similar such that a single coextensive search of the prior art relating to the currently claimed invention may be made, and without imposing an undue burden on the Examiner. More specifically the applicant especially asserts that a search of the claimed non-cationic antimicrobial agents of claim 3, which are all directed to the entire group of identified "halophenols", would not be overly broad and could be performed without imposing an undue burden on the Examiner. Similarly with respect to the organic solvents identified in claim 4, the applicant points out that such are directed to a reasonably limited class of materials, namely to "... solvent is selected from C₁₋₄ alcohols, terpenes, essential oil, and mixtures thereof" and it is again the applicant's assertion that a single coextensive search of the prior art relating to these solvents may be made, and without imposing an undue burden on the Examiner.

Thus, the applicant requests reconsideration of the propriety and scope of the outstanding *Restriction Requirement* and provisionally elects as elected species the subject matter of all of the halophenols of claim 3, and of claim 4, "C₁₋₄ alcohols, terpenes". Such a provisional election of species is believed to be reasonably limiting of the subject matter of the presently claimed invention, and would in the applicant's view, provide for a reasonably limited search without imparting an undue burden on the Examiner.

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Nonetheless, if the Examiner does not withdraw the outstanding *election of species* requirement, or accept the foregoing provisional election of species, with TRAVERSE, the applicant provisionally elects from subject matter of the species of claims 2, 3 and 4:

Claim 3: o-benzyl-p-chlorophenol

Claim 4: C₁₋₄ alcohols

The applicant expressly reserves their right to reinstate any non-elected subject matter indicated this paper in a later filed application.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;

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27. Aug. 2008

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